

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/20/08
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DR. FREDERICK K.C. PRICE,

Plaintiff

-against-

JOHN STOSSEL, et al.,

Defendants.
-----X

07 Cv. 11364 (SWK)

ORDER

SHIRLEY WOHL KRAM, U.S.D.J.

WHEREAS defendants John Stossel, Glenn Ruppel, and American Broadcasting Companies, Inc. (collectively, "ABC") seek to file a motion to transfer venue pursuant to 28 U.S.C. § 1404(a), and a motion to strike the complaint pursuant to Cal. Civ. Proc. Code § 425.16 (the "anticipated motions");

WHEREAS defendants Ole Anthony and Trinity Foundation, Inc. (together with ABC, the "Defendants") seek to join ABC's motions;

WHEREAS ABC has requested a pre-motion conference in connection with the anticipated motions;

WHEREAS plaintiff Dr. Frederick R.K. Price ("Price") seeks to conduct discovery in order to oppose the anticipated motions;

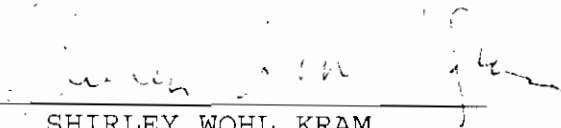
WHEREAS, after reviewing the parties' letters, the Court concludes that the issue of venue is logically antecedent to the issue of the Defendants' motion to strike;

IT IS HEREBY ORDERED that:

1. The parties shall attend a pre-motion conference on March 5, 2008, at 10:30 a.m., to address the Defendants' anticipated motion to transfer venue and Price's request for discovery to oppose that motion;
2. On or before February 27, 2008, at 6 p.m., the Defendants shall serve and file written submissions that summarize (a) the specific grounds upon which the motion to transfer venue is based, (b) the reasons why the Defendants believe Price is not entitled to discovery in order to oppose that motion, and (c) the substance of any other issue the Defendants intend to raise at the conference.
3. On or before February 29, 2008, at 6 p.m., Price shall serve and file a written submission that summarizes (a) the grounds upon which Price opposes the anticipated motion to transfer venue, (b) the reasons why Price is entitled to discovery in order to oppose that motion, (c) the specific scope of the discovery sought, and (d) the substance of any other issue Price intends to raise at the conference.

4. The parties shall limit their submissions to the anticipated motion to transfer venue and shall not address the Defendants' intended motion to strike the complaint. Each submission shall be no longer than ten pages in length.

SO ORDERED.



SHIRLEY WOHL KRAM
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
February 20, 2008